

REMARKS

Upon entry of the present Amendment, claims 2-7, 11-16 and 21-28 are all the claims pending in the application. Claims 1, 8-10, 17 and 18 are canceled without prejudice or disclaimer.

To summarize the Office Action, claims 5-7 and 14-16 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, claims 1, 8-10 and 17-18 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Colyer (U.S. Patent No. 5,862,328), in view of Leong *et al.*, (U.S. Patent No. 6,393,475, hereinafter “Leong”), and claims 2-4 and 11-13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Colyer and Leong, further in view of Sawada (U.S. Patent No. 6,735,619). The outstanding rejections are traversed, as discussed below.

Claim Rejections - 35 U.S.C. § 103

Colyer in view of Leong

As best understood by Applicant, the Examiner has rejected claims 1, 8-10, and 17-18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Colyer in view of Leong.¹ At least for the following reasons, this ground of rejection is traversed.

¹ Applicant notes that despite item 6 of the Office Action indicating that claims 1, 8-10 and 17-18 have been rejected based on Colyer in view of Leong, the Examiner subsequently alleges that “[a]s per claim [*sic*] 1, 8-10 and 17-18, Sawada taught the invention substantially as claimed...” in item 8 on page 3. Further, in item 9, the Examiner refers to the deficiencies of Sawada, and alleges that Leong
...(footnote continued)

With respect to claims 1, 8-10, and 17-18, Applicant notes that these claims have been cancelled without prejudice or disclaimer. Thus, the rejection of these claims is rendered moot.

However, with respect to claims 5-7, which previously depended directly from claim 1 and have been objected to by the Examiner solely for depending upon a rejected base claim, Applicant notes that these claims have respectively been rewritten into independent form to include the limitations of claim 1.

Likewise, objected to claims 14-16, which previously depended from claim 10, are amended in independent form to respectively incorporate all the features of claim 10. Thus, Applicant submits that claims 14-16, as well as claims 5-7, should be allowed at least by virtue of reciting the previously indicated allowable subject matter.

Colyer in view of Leong and Sawada

Claims 2-4 and 11-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Colyer in view of Leong, further in view of Sawada. This ground of rejection is traversed.

claim [*sic*] 1, 8-10 and 17-18, Sawada taught the invention substantially as claimed..." in item 8 on page 3. Further, in item 9, the Examiner refers to the deficiencies of Sawada, and alleges that Leong compensates for these deficiencies. Finally, on page 5, the Examiner refers to the deficiencies of Colyer in view of Leong with respect to claims 2-4 and 11-13, which are alleged to be compensated by Sawada in a separate ground of rejection. Applicant therefore believes the Examiner's reference to Sawada in the rejection of claims 1, 8-10 and 17-18 to be in error, which is noted herein for the purpose of clarifying the record.

With respect to claims 2-4, Applicant notes that these claims are amended to depend from claim 5. Thus, Applicant submits that claims 2-4 are allowable at least by virtue of their dependency and by virtue of the features recited therein.

As to claims 11-13, Applicant has amended these claims to depend from claim 14. Claims 11-13 should therefore be allowable at least by virtue of depending from claim 14 and by virtue of the respective features recited therein.

New Claims

In order to provide additional claim coverage merited by the scope of the present invention, Applicant is adding new claims 21-28. Applicant submits that these claims are allowable at least by virtue of depending from claims 6-7 and 15-16, respectively, and by virtue of the features recited therein.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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